

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 30, 2013

AMENDED IN SENATE APRIL 3, 2013

SENATE BILL

No. 61

Introduced by Senator Yee

January 8, 2013

An act to *amend Section 230 of, to amend, repeal, and add Sections 225, 226, ~~229~~, and ~~230~~ 229 of, and to add Section 208.3 to, the Welfare and Institutions Code, relating to juveniles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 61, as amended, Yee. Juveniles: solitary confinement.

(1) Existing law permits minors who are detained in juvenile hall for habitual disobedience, truancy, or curfew violation to be held in the same facility as minors who are detained for violating any law or ordinance defining a crime, if they do not come or remain in contact with each other. Existing law also permits the detention of minors in jails and other secure facilities for the confinement of adults if the minors do not come, or remain, in contact with confined adults and other specified conditions are met.

Existing law, the Lanterman-Petris-Short Act, authorizes the involuntary detention for a period of 72 hours for evaluation of persons, including minors, who are dangerous to self or others, or gravely disabled, as defined.

This bill would provide that a minor or ward who is detained in, or sentenced to, any juvenile facility or other secure state or local facility shall not be subject to solitary confinement, as defined, unless the minor or ward poses an immediate and substantial risk of harm to others or

to the security of the facility, and all other less-restrictive options have been exhausted. The bill would permit the minor or ward to be held in solitary confinement only in accordance with specified guidelines, including that the minor or ward be held in solitary confinement only for the minimum time required to address the safety risk, and that does not compromise the mental and physical health of the minor or ward. ~~The bill would require clinical staff to evaluate a minor or ward face-to-face within one hour after placement, and every 4 hours thereafter, to determine the health and mental health status of the minor or ward, as specified. This~~ *The bill would prohibit a minor or ward from being placed in solitary confinement for more than 24 hours in a one-week period without obtaining specified written approval, which requires the consideration of the health and mental health clinical evaluations, as prescribed. This bill would prohibit a minor or ward who, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, from solitary confinement, and require the minor or ward to be transported to and evaluated at a Lanterman-Petris-Short Act designated facility. The bill would require a clinician to closely monitor the condition of a minor or ward who exhibits risk of self-harm or suicidal behavior that is not a result of a mental disorder, and would prohibit continued solitary confinement for that minor or ward approval. The bill would require each local and state juvenile facility to document the usage of solitary confinement, as prescribed. These provisions would become operative on January 1, 2015.* By increasing the duties of local juvenile facilities, the bill would impose a state-mandated local program.

(2) Existing law establishes a juvenile justice commission in each county, but authorizes the boards of supervisors of 2 or more adjacent counties to agree to establish a regional juvenile justice commission in lieu of a county juvenile justice commission. Existing law specifies the membership of these commissions, including that 2 or more members shall be persons who are ~~between 14 and~~ *to* 21 years of age, inclusive, and that a regional juvenile justice commission shall consist of not less than 8 citizens. Existing law requires a juvenile justice commission to annually inspect any jail or lockup that, in the preceding calendar year, was used for confinement for more than 24 hours of any minor, and to report the results of the inspection, together with its recommendations based thereon, in writing, to the juvenile court and the Board of State and Community Corrections. Existing law authorizes a commission to recommend to any person charged with the administration of the

Juvenile Court Law those changes as it has concluded, after investigation, will be beneficial, and to publicize its recommendations.

This bill would provide that 2 or more members of these commissions shall be parents or guardians of previously or currently incarcerated youth, and one member shall be a licensed social worker, licensed psychiatrist, or licensed psychologist with expertise in adolescent development. The bill also would increase from 8 to 10 the minimum number of members of a regional juvenile justice commission. The bill would ~~require~~ *authorize* a juvenile justice commission, as part of its annual inspection ~~of facilities~~, to review the records of the jail; ~~or lockup, or facility~~ as to the use of solitary confinement, and to *additionally* report the results of the inspection, together with its recommendations based thereon, in writing, to the ~~juvenile court, the county board of supervisors, and the Board of State and Community Corrections~~. The bill would ~~require~~ *authorize* the commission to present its report at an annual hearing on the condition of juvenile justice corrections as part of a regularly scheduled public meeting of the county board of supervisors, and to publish the report on the county government Internet Web site. *The bill would authorize the commission to annually inspect any facility within the county other than a jail or lockup that, in the preceding calendar year, was used for confinement for more than 24 hours of any minor, and to review the records of the facility as to the use of solitary confinement. The bill would authorize the commission to report the results of the inspection to the juvenile court, the county board of supervisors, and the Board of State and Community Corrections, to present its report at an annual hearing on the condition of juvenile justice corrections as part of a regularly scheduled public meeting of the county board of supervisors, and to publish the report on the county government Internet Web site. These provisions would become operative on January 1, 2015.* The bill also would ~~require~~ *authorize* a commission to publicize its recommendations made to any person charged with administration of the Juvenile Court Law on the county government Internet Web site.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 208.3 is added to the Welfare and
2 Institutions Code, to read:
3 208.3. (a) For purposes of this section, the following
4 definitions shall apply:
5 (1) ~~“Clinician” means a licensed health or mental health care~~
6 ~~professional.~~
7 (2) ~~“Health and mental health clinical evaluations” means~~
8 ~~evaluations conducted by a licensed health care professional and~~
9 ~~a licensed mental health care professional, respectively, to check~~
10 ~~the health and mental health status of the minor or ward.~~
11 (3)
12 (1) “Minor” means a person who is any of the following:
13 (A) A person under 18 years of age.
14 (B) A person under the maximum age of juvenile court
15 jurisdiction who is confined in a juvenile facility.
16 (C) A person under the jurisdiction of the Department of
17 Corrections and Rehabilitation, Division of Juvenile Facilities.
18 (4)
19 (2) “Solitary confinement” means the involuntary holding of a
20 person in a room or cell from which the person is prevented from
21 leaving, in isolation from persons other than guards, facility staff,
22 and attorneys, during hours other than a facility’s sleeping hours.
23 (5)
24 (3) “Ward” means a person who has been declared a ward of
25 the court pursuant to subdivision (a) of Section 602.
26 (b) A minor or ward who is detained in, or sentenced to, any
27 juvenile facility or other secure state or local facility shall not be
28 subject to solitary confinement, unless the minor or ward poses an
29 immediate and substantial risk of harm to others or to the security
30 of the facility, and all other less-restrictive options have been
31 exhausted. A minor or ward may be held in solitary confinement
32 only in accordance with all of the following guidelines:
33 (1) ~~If a minor or ward, as a result of mental disorder, is a danger~~
34 ~~to others, or to himself or herself, or gravely disabled, he or she~~
35 ~~shall not be subject to solitary confinement, and shall be transported~~

1 ~~to, and evaluated at, a Lanterman-Petris-Short Act designated~~
2 ~~facility pursuant to Section 5150 or Section 5585.50.~~

3 ~~(2)~~

4 ~~(1)~~ The minor or ward shall be held in solitary confinement only
5 for the minimum time required to address the safety risk, and that
6 does not compromise the mental and physical health of the minor
7 or ward.

8 ~~(3) (A) The minor or ward shall be evaluated, within one hour~~
9 ~~after placement in solitary confinement and every four hours~~
10 ~~thereafter, face-to-face by a clinician to determine the health and~~
11 ~~mental health status of the minor or ward. Each health and mental~~
12 ~~health clinical evaluation shall be documented and shall include~~
13 ~~an assessment of the risks to the minor or ward posed by continued~~
14 ~~placement in solitary confinement.~~

15 ~~(B) If a minor or ward exhibits risk of self-harm or suicidal~~
16 ~~behavior that is not a result of a mental disorder, a clinician shall~~
17 ~~monitor closely the condition of the minor or ward in order to~~
18 ~~reduce or eliminate the risk of self-harm and the minor or ward~~
19 ~~shall not be subject to continued solitary confinement. If the~~
20 ~~clinician determines, using his or her judgment, that more intense~~
21 ~~intervention is needed, the minor or ward shall be moved to a~~
22 ~~mental health hospital, and an individualized suicide crisis~~
23 ~~intervention plan for the minor or ward shall be approved by a~~
24 ~~clinician within four hours after the move.~~

25 ~~(4)~~

26 (2) The minor or ward shall not be placed in solitary
27 confinement for more than 24 hours in a one-week period without
28 the written approval of the Chief of the Division of Juvenile
29 Facilities, or his or her designee, or the chief probation officer, or
30 his or her designee, ~~who shall not approve continued solitary~~
31 ~~confinement unless he or she has first obtained the results of, and~~
32 ~~considered, the health and mental health clinical evaluations which~~
33 ~~shall be required for each 24-hour period thereafter.~~

34 (c) Solitary confinement shall not be used for the purposes of
35 discipline, punishment, coercion, convenience, or retaliation by
36 staff.

37 (d) Each local and state juvenile facility shall document the
38 usage of solitary confinement, including the dates and duration of
39 ~~each occurrence and~~ *occurrence*, the reason for placement in
40 solitary confinement. ~~These~~ *confinement, and the race, age, and*

1 *gender of the minor or ward placed in solitary confinement. If any*
2 *health or mental health clinical evaluations were performed, these*
3 *records shall affirmatively certify that ~~health and mental health~~*
4 *~~clinical evaluations were conducted~~ and the results of those*
5 *evaluations were considered in any decision to place a minor or*
6 *ward in solitary confinement or to continue solitary confinement.*
7 *These records shall be available for public inspection pursuant to*
8 *the California Public Records Act (Chapter 3.5 (commencing with*
9 *Section 6250) of Division 7 of Title 1 of the Government Code).*

10 (e) Nothing in this section shall be construed to conflict with
11 any law providing greater or additional protections to minors or
12 wards.

13 (f) *This section shall become operative on January 1, 2015.*

14 SEC. 2. *Section 225 of the Welfare and Institutions Code is*
15 *amended to read:*

16 225. (a) In each county there shall be a juvenile justice
17 commission consisting of not less than ~~7~~ seven and no more than
18 15 citizens. Two or more of the members shall be persons who are
19 ~~between 14 and to 21 years of age, provided inclusive, if there are~~
20 ~~available persons between 14 and to 21 years of age, inclusive,~~
21 who are able to carry out the duties of a commission member in a
22 manner satisfactory to the appointing authority. Each person
23 serving as a member of a probation committee immediately prior
24 to September 15, 1961, shall be a member of the juvenile justice
25 commission and shall continue to serve as such until ~~such time as~~
26 his or her term of appointment as a member of the probation
27 committee would have expired under any prior ~~provision of law.~~
28 Upon a vacancy occurring in the membership of the ~~commission~~
29 ~~commission~~, and upon the expiration of the term of office of any
30 member, a successor shall be appointed by the presiding judge of
31 the superior court with the concurrence of the judge of the juvenile
32 court or, in a county having more than one judge of the juvenile
33 court, with the concurrence of the presiding judge of the juvenile
34 court for a term of four years. ~~When~~ *If* a vacancy occurs for any
35 reason other than the expiration of a term of office, the appointee
36 to fill ~~such~~ the vacancy shall hold office for the unexpired term of
37 his or her predecessor.

38 **Appointments**

39 (b) *Appointments* may be made by the presiding judge of the
40 superior court, in the same manner designated in this section for

the filling of vacancies, to increase the membership of a commission to the maximum of 15 *members* in any county ~~which~~ *that* has a commission with a membership of less than 15 members.

~~In~~

(c) *In any county in which the membership of the commission, on the effective date of amendments to this section enacted at the 1971 Regular Session of the Legislature, exceeds the maximum number permitted by this section, no additional appointments shall be made until the number of commissioners is less than the maximum number permitted by this section. In any case, such county's commission membership shall, on or after January 1, 1974, be no greater than the maximum number permitted by this section.*

(d) *This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.*

SEC. 3. *Section 225 is added to the Welfare and Institutions Code, to read:*

225. (a) *In each county there shall be a juvenile justice commission consisting of not less than 7 and no more than 15 citizens. Two or more members shall be persons who are 14 to 21 years of age, inclusive, if there are available persons 14 to 21 years of age, inclusive, who are able to carry out the duties of a commission member in a manner satisfactory to the appointing authority. Two or more members shall be parents or guardians of previously or currently incarcerated youth. One member shall be a licensed social worker, licensed psychiatrist, or licensed psychologist with expertise in adolescent development. Each person serving as a member of a probation committee immediately prior to September 15, 1961, shall be a member of the juvenile justice commission and shall continue to serve as such until his or her term of appointment as a member of the probation committee would have expired under any prior law. Upon a vacancy occurring in the membership of the commission, and upon the expiration of the term of office of any member, a successor shall be appointed by the presiding judge of the superior court with the concurrence of the judge of the juvenile court or, in a county having more than one judge of the juvenile court, with the concurrence of the presiding judge of the juvenile court for a term of four years. If a vacancy occurs for any reason other than the expiration of a term*

1 of office, the appointee to fill the vacancy shall hold office for the
2 unexpired term of his or her predecessor.

3 (b) Appointments may be made by the presiding judge of the
4 superior court, in the same manner designated in this section for
5 the filling of vacancies, to increase the membership of a
6 commission to the maximum of 15 members in any county that has
7 a commission with a membership of less than 15 members.

8 (c) In any county in which the membership of the commission,
9 on the effective date of amendments to this section enacted at the
10 1971 Regular Session of the Legislature, exceeds the maximum
11 number permitted by this section, no additional appointments shall
12 be made until the number of commissioners is less than the
13 maximum number permitted by this section. In any case, that
14 county's commission membership shall, on or after January 1,
15 1974, be no greater than the maximum number permitted by this
16 section.

17 (d) This section shall become operative on January 1, 2015.

18 SEC. 4. Section 226 of the Welfare and Institutions Code is
19 amended to read:

20 226. (a) In lieu of county juvenile justice commissions, the
21 boards of supervisors of two or more adjacent counties may agree
22 to establish a regional juvenile justice commission consisting of
23 not less than eight citizens, and having a sufficient number of
24 members so that their appointment may be equally apportioned
25 between the participating counties. Two or more of the members
26 shall be persons who are ~~between 14 and to 21 years of age,~~
27 ~~provided inclusive, if there are available persons between 14 and~~
28 ~~to 21 years of age, inclusive,~~ who are able to carry out the duties
29 of a commission member in a manner satisfactory to the appointing
30 authority. The presiding judge of the superior court with the
31 concurrence of the judge of the juvenile court or, in a county having
32 more than one judge of the juvenile court, with the concurrence
33 of the presiding judge of the juvenile court of each of the
34 participating counties shall appoint an equal number of members
35 to the regional justice commission and ~~they the members~~ shall hold
36 office for a term of four years. Of those first appointed, however,
37 if the number of members appointed ~~be is~~ an even number, ~~half~~
38 ~~one-half~~ shall serve for a term of two years and ~~half one-half~~ shall
39 serve for a term of four ~~years and if years.~~ If the number of
40 members first appointed ~~be is~~ an odd number, the greater number

1 nearest-half ~~one-half~~ shall serve for a term of two years and the
 2 remainder shall serve for a term of four years. The respective terms
 3 of the members first appointed shall be determined by lot as soon
 4 as possible after their appointment. Upon a vacancy occurring in
 5 the membership of the ~~commission~~ *commission*, and upon the
 6 expiration of the term of office of any member, a successor shall
 7 be appointed by the presiding judge of the superior court with the
 8 concurrence of the judge of the juvenile court or, in a county having
 9 more than one judge of the juvenile court, with the concurrence
 10 of the presiding judge of the juvenile court of the county ~~which~~
 11 ~~that~~ originally appointed ~~such~~ the vacating or retiring member.
 12 ~~When~~ If a vacancy occurs for any reason other than the expiration
 13 of a term of office, the appointee shall hold office for the unexpired
 14 term of his or her predecessor.

15 (b) *This section shall remain in effect only until January 1, 2015,*
 16 *and as of that date is repealed, unless a later enacted statute, that*
 17 *is enacted before January 1, 2015, deletes or extends that date.*

18 SEC. 5. Section 226 is added to the Welfare and Institutions
 19 Code, to read:

20 226. (a) *In lieu of county juvenile justice commissions, the*
 21 *boards of supervisors of two or more adjacent counties may agree*
 22 *to establish a regional juvenile justice commission consisting of*
 23 *not less than 10 citizens, and having a sufficient number of*
 24 *members so that their appointment may be equally apportioned*
 25 *between the participating counties. Two or more members shall*
 26 *be persons who are 14 to 21 years of age, inclusive, if there are*
 27 *available persons 14 to 21 years of age, inclusive, who are able*
 28 *to carry out the duties of a commission member in a manner*
 29 *satisfactory to the appointing authority. Two or more members*
 30 *shall be parents or guardians of previously or currently*
 31 *incarcerated youth. One member shall be a licensed social worker,*
 32 *licensed psychiatrist, or licensed psychologist with expertise in*
 33 *adolescent development. The presiding judge of the superior court*
 34 *with the concurrence of the judge of the juvenile court or, in a*
 35 *county having more than one judge of the juvenile court, with the*
 36 *concurrence of the presiding judge of the juvenile court of each*
 37 *of the participating counties shall appoint an equal number of*
 38 *members to the regional justice commission and the members shall*
 39 *hold office for a term of four years. Of those first appointed,*
 40 *however, if the number of members appointed is an even number,*

1 *one-half shall serve for a term of two years and one-half shall*
2 *serve for a term of four years. If the number of members first*
3 *appointed is an odd number, the greater number nearest one-half*
4 *shall serve for a term of two years and the remainder shall serve*
5 *for a term of four years. The respective terms of the members first*
6 *appointed shall be determined by lot as soon as possible after their*
7 *appointment. Upon a vacancy occurring in the membership of the*
8 *commission, and upon the expiration of the term of office of any*
9 *member, a successor shall be appointed by the presiding judge of*
10 *the superior court with the concurrence of the judge of the juvenile*
11 *court or, in a county having more than one judge of the juvenile*
12 *court, with the concurrence of the presiding judge of the juvenile*
13 *court of the county that originally appointed the vacating or*
14 *retiring member. If a vacancy occurs for any reason other than*
15 *the expiration of a term of office, the appointee shall hold office*
16 *for the unexpired term of his or her predecessor.*

17 *(b) This section shall become operative on January 1, 2015.*

18 SEC. 6. *Section 229 of the Welfare and Institutions Code is*
19 *amended to read:*

20 229. (a) *It shall be the duty of a juvenile justice commission*
21 *to inquire into the administration of the juvenile court law in the*
22 *county or region in which the commission serves. For this purpose*
23 *the commission shall have access to all publicly administered*
24 *institutions authorized or whose use is authorized by this chapter*
25 *situated in the county or region, shall inspect ~~such institutions no~~*
26 *~~less frequently than~~ those institutions at least once a year, and may*
27 *hold hearings. A judge of the juvenile court ~~shall have the power~~*
28 *~~to~~ may issue subpoenas requiring attendance and testimony of*
29 *witnesses and production of papers at hearings of the commission.*

30 A

31 (b) *A juvenile justice commission shall annually inspect any*
32 *jail or lockup within the county ~~which that~~, in the preceding*
33 *calendar ~~year~~ year, was used for confinement for more than 24*
34 *hours of any minor. It shall report the results of ~~such inspection~~*
35 *the inspection, together with its recommendations based thereon,*
36 *in writing, to the juvenile court and to the Board of State and*
37 *Community Corrections.*

38 (c) *This section shall remain in effect only until January 1, 2015,*
39 *and as of that date is repealed, unless a later enacted statute, that*
40 *is enacted before January 1, 2015, deletes or extends that date.*

1 *SEC. 7. Section 229 is added to the Welfare and Institutions*
2 *Code, to read:*

3 229. (a) *It shall be the duty of a juvenile justice commission*
4 *to inquire into the administration of the juvenile court law in the*
5 *county or region in which the commission serves. For this purpose*
6 *the commission shall have access to all publicly administered*
7 *institutions authorized or whose use is authorized by this chapter*
8 *situated in the county or region, shall inspect those institutions at*
9 *least once a year, and may hold public hearings. A judge of the*
10 *juvenile court may issue subpoenas requiring attendance and*
11 *testimony of witnesses and production of papers at hearings of the*
12 *commission.*

13 (b) *A juvenile justice commission shall annually inspect any jail*
14 *or lockup within the county that, in the preceding calendar year,*
15 *was used for confinement for more than 24 hours of any minor.*
16 *As part of the annual inspection, the commission may review the*
17 *records of the jail or lockup as to the use of solitary confinement,*
18 *as defined in paragraph (2) of subdivision (a) of Section 208.3.*
19 *The commission shall report the results of the inspection, together*
20 *with its recommendations based thereon, in writing, to the juvenile*
21 *court and the Board of State and Community Corrections, and*
22 *may report those results to the county board of supervisors. The*
23 *commission may present its report at an annual hearing on the*
24 *condition of juvenile justice corrections as part of a regularly*
25 *scheduled public meeting of the county board of supervisors, and*
26 *may publish the report on the county government Internet Web*
27 *site.*

28 (c) *A juvenile justice commission may annually inspect any*
29 *facility within the county other than a jail or lockup that, in the*
30 *preceding calendar year, was used for confinement for more than*
31 *24 hours of any minor. As part of the annual inspection, the*
32 *commission may review the records of the facility as to the use of*
33 *solitary confinement, as defined in paragraph (2) of subdivision*
34 *(a) of Section 208.3. If the commission inspects a facility, the*
35 *commission may report the results of the inspection, together with*
36 *its recommendations based thereon, in writing, to the juvenile*
37 *court, the county board of supervisors, and the Board of State and*
38 *Community Corrections. The commission may present its report*
39 *at an annual hearing on the condition of juvenile justice corrections*
40 *as part of a regularly scheduled public meeting of the county board*

1 of supervisors, and may publish the report on the county
2 government Internet Web site.

3 (d) This section shall become operative on January 1, 2015.

4 SEC. 2. ~~Section 225 of the Welfare and Institutions Code is~~
5 ~~amended to read:~~

6 ~~225. (a) In each county there shall be a juvenile justice~~
7 ~~commission consisting of not less than seven and no more than 15~~
8 ~~citizens. Two or more members shall be persons who are between~~
9 ~~14 and 21 years of age, inclusive, if there are available persons~~
10 ~~between 14 and 21 years of age, inclusive, who are able to carry~~
11 ~~out the duties of a commission member in a manner satisfactory~~
12 ~~to the appointing authority. Two or more members shall be parents~~
13 ~~or guardians of previously or currently incarcerated youth. One~~
14 ~~member shall be a licensed social worker, licensed psychiatrist,~~
15 ~~or licensed psychologist with expertise in adolescent development.~~
16 ~~Each person serving as a member of a probation committee~~
17 ~~immediately prior to September 15, 1961, shall be a member of~~
18 ~~the juvenile justice commission and shall continue to serve as such~~
19 ~~until his or her term of appointment as a member of the probation~~
20 ~~committee would have expired under any prior law. Upon a~~
21 ~~vacancy occurring in the membership of the commission, and upon~~
22 ~~the expiration of the term of office of any member, a successor~~
23 ~~shall be appointed by the presiding judge of the superior court with~~
24 ~~the concurrence of the judge of the juvenile court or, in a county~~
25 ~~having more than one judge of the juvenile court, with the~~
26 ~~concurrence of the presiding judge of the juvenile court for a term~~
27 ~~of four years. If a vacancy occurs for any reason other than the~~
28 ~~expiration of a term of office, the appointee to fill the vacancy~~
29 ~~shall hold office for the unexpired term of his or her predecessor.~~

30 ~~(b) Appointments may be made by the presiding judge of the~~
31 ~~superior court, in the same manner designated in this section for~~
32 ~~the filling of vacancies, to increase the membership of a~~
33 ~~commission to the maximum of 15 in any county that has a~~
34 ~~commission with a membership of less than 15 members.~~

35 ~~(c) In any county in which the membership of the commission,~~
36 ~~on the effective date of amendments to this section enacted at the~~
37 ~~1971 Regular Session of the Legislature, exceeds the maximum~~
38 ~~number permitted by this section, no additional appointments shall~~
39 ~~be made until the number of commissioners is less than the~~
40 ~~maximum number permitted by this section. In any case, that~~

1 county's commission membership shall, on or after January 1,
2 1974, be no greater than the maximum permitted by this section.

3 SEC. 3. ~~Section 226 of the Welfare and Institutions Code is~~
4 ~~amended to read:~~

5 226. ~~In lieu of county juvenile justice commissions, the boards~~
6 ~~of supervisors of two or more adjacent counties may agree to~~
7 ~~establish a regional juvenile justice commission consisting of not~~
8 ~~less than 10 citizens, and having a sufficient number of members~~
9 ~~so that their appointment may be equally apportioned between the~~
10 ~~participating counties. Two or more members shall be persons~~
11 ~~who are between 14 and 21 years of age, inclusive, if there are~~
12 ~~available persons between 14 and 21 years of age, inclusive, who~~
13 ~~are able to carry out the duties of a commission member in a~~
14 ~~manner satisfactory to the appointing authority. Two or more~~
15 ~~members shall be parents or guardians of previously or currently~~
16 ~~incarcerated youth. One member shall be a licensed social worker,~~
17 ~~licensed psychiatrist, or licensed psychologist with expertise in~~
18 ~~adolescent development. The presiding judge of the superior court~~
19 ~~with the concurrence of the judge of the juvenile court or, in a~~
20 ~~county having more than one judge of the juvenile court, with the~~
21 ~~concurrence of the presiding judge of the juvenile court of each~~
22 ~~of the participating counties shall appoint an equal number of~~
23 ~~members to the regional justice commission and the members shall~~
24 ~~hold office for a term of four years. Of those first appointed,~~
25 ~~however, if the number appointed is an even number, half shall~~
26 ~~serve for a term of two years and half shall serve for a term of four~~
27 ~~years. If the number of members first appointed is an odd number,~~
28 ~~the greater number nearest half shall serve for a term of two years~~
29 ~~and the remainder shall serve for a term of four years. The~~
30 ~~respective terms of the members first appointed shall be determined~~
31 ~~by lot as soon as possible after their appointment. Upon a vacancy~~
32 ~~occurring in the membership of the commission, and upon the~~
33 ~~expiration of the term of office of any member, a successor shall~~
34 ~~be appointed by the presiding judge of the superior court with the~~
35 ~~concurrence of the judge of the juvenile court or, in a county having~~
36 ~~more than one judge of the juvenile court, with the concurrence~~
37 ~~of the presiding judge of the juvenile court of the county that~~
38 ~~originally appointed the vacating or retiring member. If a vacancy~~
39 ~~occurs for any reason other than the expiration of a term of office,~~

1 the appointee shall hold office for the unexpired term of his or her
2 predecessor.

3 ~~SEC. 4. Section 229 of the Welfare and Institutions Code is~~
4 ~~amended to read:~~

5 ~~229. (a) It shall be the duty of a juvenile justice commission~~
6 ~~to inquire into the administration of the juvenile court law in the~~
7 ~~county or region in which the commission serves. For this purpose~~
8 ~~the commission shall have access to all publicly administered~~
9 ~~institutions authorized or whose use is authorized by this chapter~~
10 ~~situated in the county or region, shall inspect those institutions at~~
11 ~~least once a year, and may hold public hearings. A judge of the~~
12 ~~juvenile court may issue subpoenas requiring attendance and~~
13 ~~testimony of witnesses and production of papers at hearings of the~~
14 ~~commission.~~

15 ~~(b) A juvenile justice commission shall annually inspect any~~
16 ~~jail, lockup, or facility within the county that, in the preceding~~
17 ~~calendar year, was used for confinement for more than 24 hours~~
18 ~~of any minor. As part of the annual inspection, the commission~~
19 ~~shall review the records of the jail, lockup, or facility as to the use~~
20 ~~of solitary confinement, as defined in paragraph (3) of subdivision~~
21 ~~(a) of Section 208.3. The commission shall report the results of~~
22 ~~the inspection, together with its recommendations based thereon,~~
23 ~~in writing, to the juvenile court, the county board of supervisors,~~
24 ~~and the Board of State and Community Corrections. The~~
25 ~~commission shall present its report at an annual hearing on the~~
26 ~~condition of juvenile justice corrections as part of a regularly~~
27 ~~scheduled public meeting of the county board of supervisors, and~~
28 ~~shall publish the report on the county government Internet Web~~
29 ~~site.~~

30 ~~SEC. 5.~~

31 ~~SEC. 8. Section 230 of the Welfare and Institutions Code is~~
32 ~~amended to read:~~

33 ~~230. A juvenile justice commission may recommend to any~~
34 ~~person charged with the administration of any of the provisions~~
35 ~~of this chapter those changes as it has concluded, after~~
36 ~~investigation, will be beneficial. A commission shall may publicize~~
37 ~~its recommendations on the county government Internet Web site.~~

38 ~~SEC. 6.~~

39 ~~SEC. 9. If the Commission on State Mandates determines that~~
40 ~~this act contains costs mandated by the state, reimbursement to~~

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

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